IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 774 OF 2006

Shamji Dayabhai Shah Educational... Petitioner
Trust

V/s.

The State of Maharashtra & Ors. ... Respondents

Ms. Deepa Chavan i/b. Divekar & Co. for the petitioner.
Mr. P.G. Sawant, AGP for respondent Nos. 1 & 2.
Mr. Shaikh Nasir Masih for applicant in N/M. 7/06, 8/06, 9/06, 10/06 & Chs. 93/06.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED : 29th August, 2006

P.C.

. The petitioners have approached this Court against the order of the State respondents, in not granting approval to the claim of Smt. Pratibha R. Pawar, whom the petitioner have appointed as In-charge Principal. A reply has been filed on behalf of the respondent No. 1 pointing out that there are four senior teachers and it was in these circumstances, that the permission was refused. The management points out that the record of four teacher was not up to the mark and it is in these circumstances that they were compelled to by pass them and appoint Smt. Pawar, who is Sr. No. 5. The case of the intervener is that their cases could not have been rejected as whatever punishment has been imposed upon them was

without following due procedure. In-fact, it has been pointed out that one of those persons is before the School Tribunal in appeal, was holding the post of Head Master. Considering the above, the petition is disposed of by issuing the following directions.

i. In the matter of appointment of Head Master, after considering the records maintained by the petitioner herein and the material which the intervener produces, the respondent No. 2 to take decision as to who amongst the persons seniority-wise is eligible for consideration for appointment as Head Master and accordingly grant sanction and if none of them is eligible, then to permit the petitioner to proceed according to law.

ii. Respondent No. 2 is directed to complete the enquiry within four weeks. In the meantime, Mrs. Pawar to continue to act as Head Mistress without claiming any right to the post.

2. With the above observations, petition stands disposed of.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]